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SKYWEST AIRLINES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SKYWEST PILOTS ALPA ORGANIZING
COMMITTEE, et al.,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

Case No. C-07-2688 CRB

**DEFENDANT SKYWEST AIRLINES,
INC.'S *EX PARTE* MOTION TO EXCEED
PAGE LIMITATIONS SET FORTH IN
LOCAL RULE 7-3(a)**

Judge: Hon. Charles R. Breyer

Action Filed: May 22, 2007

1 TO THE HONORABLE CHARLES R. BREYER:

2 Pursuant to Local Rule 7-11, Defendant SkyWest Airlines, Inc. "SkyWest" seeks an order
3 authorizing it to file an opposition in excess of the 25-page limit set forth by Local Rule 7-3(a).
4 Because this Motion deals solely with an administrative request, SkyWest respectfully submits that it
5 is appropriate for consideration on an ex parte basis. The Court already granted previous SkyWest's
6 motion to file an oversized brief in opposition to Plaintiffs' motion for a preliminary injunction.
7 SkyWest is filing this request out of an abundance of caution because it now seeks to file an
8 amended brief that is in excess of the 25 page limit.

9 **RELIEF REQUESTED**

10 With this motion, SkyWest seeks entry of an order permitting it to file an amended
11 opposition that exceeds the twenty-five page limit established by Local Rule 7-3(a).

12 **BACKGROUND**

13 Plaintiff SkyWest Pilots ALPA Organizing Committee ("SkyWest Pilots OC") and the
14 Airline Pilots Association ("ALPA") have been attempting to organize Defendant SkyWest Airlines,
15 Inc. ("SkyWest") for the past year. Declaration of Jeffrey MacDonald in support of Temporary
16 Restraining Order and Preliminary Injunction, ¶ 4. On May 22, 2007, SkyWest Pilots OC – along
17 with various individual plaintiffs – filed this suit alleging that SkyWest unlawfully supports the
18 SkyWest Airline Pilots Association ("SAPA"), and that SkyWest interferes with their expressive
19 activity by discriminating against Plaintiffs on the basis of their support for ALPA. (Complaint, ¶¶
20 42-50.) That same day, Plaintiffs came to the Court *ex parte* with their Motion for a Temporary
21 Restraining Order, which the Court granted without the benefit of briefing from SkyWest.
22 Following a hearing on SkyWest's Motion to Dissolve, this Court set a vigorous briefing schedule
23 requiring SkyWest to oppose Plaintiffs' Preliminary Injunction Motion, which raises a host of
24 threshold issues in addition to complex issues of labor law.

25 **ARGUMENT**

26 Local Rule 7-3(a) provides that motions shall not exceed twenty-five pages of text. This
27 page limit, however, can be enlarged at the Court's discretion. *See* Local Rule 7-11 (expressly
28

1 referencing "motions to exceed otherwise applicable page limitations"). SkyWest respectfully
2 requests that it be excused from Local Rule 7-3(a)'s page limitation, for the following reasons. First,
3 simply to brief the threshold issues ignored by Plaintiffs requires a substantial number of the 25-page
4 allotment not usually necessary as issues of standing and jurisdiction would be briefed separately.
5 Further, given that Plaintiffs were able to express their initial position to the Court *ex parte* without
6 SkyWest having an opportunity to respond, in the interests of fairness, Local Rule 7-3(a)'s page
7 limitation should be excused.

8 CONCLUSION

9 Given that SkyWest is at a disadvantage because of the surprise nature of the Temporary
10 Restraining Order and the myriad issues Plaintiffs have not briefed but inform the outcome of the
11 Preliminary Injunction Motion, SkyWest respectfully requests that the Court enter an order granting
12 the relief requested herein, and such other and further relief as is just and proper.
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14 Dated: June 1, 2007

WINSTON & STRAWN LLP

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16 By: /s/ Robert Spगत
17 Robert Spगत
18 Attorneys for Defendant
19 SKYWEST AIRLINES, INC.
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